

THE HONORABLE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER J. HADNAGY, an individual;
and SOCIAL-ENGINEER, LLC, a
Pennsylvania limited liability company,

Plaintiffs,

v.

JEFF MOSS, an individual; DEF CON
COMMUNICATIONS, INC., a Washington
corporation; and DOES 1-10; and ROE
ENTITIES 1-10, inclusive,

Defendants.

No. 2:23-cv-01932-BAT

**DECLARATION OF MARK CONRAD
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CIVIL CONTEMPT AND
SANCTIONS**

Noted for Consideration: March 24, 2025

ORAL ARGUMENT REQUESTED

I, Mark Conrad, declare as follows:

1. I am one of the attorneys representing Plaintiffs Christopher Hadnagy and Social-Engineer, LLC.

2. I am over the age of 18, and competent to testify to the matters set forth herein.

3. On February 21, 2025, Defendants filed a Motion for Summary Judgment, Dkt. 79 with the supporting Declaration of Matt Mertens, Dkt 81, with Exhibits Dkt. 81-1.

4. Prior to their filing, Defendants made no attempt to meet and confer with Plaintiffs regarding the handling of information marked as confidential, despite the filing containing information that Plaintiffs' specifically designated as such.

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1 5. Immediately following the filing, Defendants began sharing it, and its exhibits, on
2 their website, and various social media platforms, including Twitter, Reddit, and LinkedIn. They
3 included a direct link to the pleadings and encouraged people to download and review it.

4 6. On February 26, 2025, my client was made aware by third parties that Defendants'
5 exhibits contained confidential proprietary and medical information. This information was not
6 redacted, nor was it filed under seal. Exhibit 21, of Mertens declaration, Dkt. 81-1, contains
7 information detailing Plaintiff's private medical and mental health information, including: the
8 names of his doctors and mental health therapist, dates/frequency of visits, symptomatology,
9 prescription information, Plaintiff Social Engineer's client names and contract amounts, Plaintiff
10 Hadnagy's salary and earning amounts.

11 7. On February 26, 2025, I emailed Defendants' counsel, and said the following, "It
12 has come to my attention that your office filed multiple pieces of information that we specially
13 marked as confidential including plaintiff's medical, client, and financial information. See Merten
14 Exhibits, pages 343, 346, 347. This information has now become wide spread on various social
15 medial platforms by Def Con."

16 8. On February, 26, 2025, Defendants' counsel responded with the following, "I
17 missed this. We cross-checked all the exhibits against the documents' confidential designations
18 you had provided in discovery, which is why we contacted you about the redactions we intended
19 to (and did) apply to the other documents you had designated confidential. The RFA responses
20 weren't "produced" and thus didn't have a confidential tag associated with them, and I didn't recall
21 that there was confidentially designated material in the RFA admissions. We are contacting the
22 court right now to (1) seal the exhibit to my declaration; and (2) file an updated, redacted version
23 that redacts the materials designated confidential in the RFA admissions. I apologize to your client

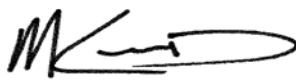
1 for my oversight. It was not intentional, as I hope our other efforts to maintain the confidentiality
2 designations of your documents demonstrate.”

3 9. After Defendants’ counsel issued their apology, they moved to seal the exhibit and
4 refiled a redacted version. However, the exhibit and its information remain readily available
5 online. Due to Defendants’ widespread dissemination of their filing, the pleadings were
6 downloaded before the document was sealed. Additionally, Defendant Def Con’s social media still
7 contains posts with direct links to the website where the information is accessible. The social media
8 links are contained in our motion, some of the comments to the post even contain a link directly to
9 the unredacted/unsealed exhibit.

10
11 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
12 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF
13 MY KNOWLEDGE.

14 DATED this 3rd day of March 2025, in Seattle, Washington.

15 FREY BUCK,

16
17 By: 
Mark Conrad, WSBA #48135


CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **DECLARATION OF MARK CONRAD IN SUPPORT OF PLAINTIFFS' MOTION FOR CIVIL CONTEMPT AND SANCTIONS** on the following individuals:

David Perez, WSBA #43959
Matthew J. Mertens (Pro Hac Vice)
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☐ Via USPS
☒ Via Electronic Mail
☒ Via Electronic Filing (CM/ECF)

DATED this 3rd day of March 2025 at Seattle, Washington.


Amber Holmes, Legal Assistant